

### **REMARKS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 21-47 are presently active in this case. Claims 21, 22, 24, 26-31, 34, and 36-38 have been withdrawn from consideration. Claims 1-20 were cancelled by a previous amendment. The present Amendment amends Claims 32, 39, and 42; and adds new Claims 45-47 without introducing ant new matter.

Claims 23, 25, 32, 33, and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ali-Vehmas et al. (U.S. Patent No. 6,035,189, hereinafter “Vehmas”) in view of Morrill, Jr. (U.S. Patent No. 5,991,749, hereinafter “Morrill”) and further in view of Sehr (U.S. Patent No. 6,999,936).

In response, Claim 32 is amended to recite “the sales module functioning as a distinct central entity from the multiple vendors.” Independent Claims 39 and 42 are amended to recite a similar feature in the respective claim language. This feature finds non-limiting support in Applicant’s disclosure as originally filed, for example with respect to Applicant’s Fig. 1 and in the corresponding passages of the specification. No new matter has been added.

Briefly recapitulating, Applicant’s Claim 32 is directed to a method for selling products over a mobile radio network, the mobile radio network including a plurality of participants and being coupled to a sales module. The method includes the steps of *inter alia*: ***storing multiple offers from multiple vendors in the sales module, the sales module functioning as a distinct central entity from the multiple vendors***, an offer including an identification of a specified product being offered for sale, an identification of a vendor of the

specified product, and a quantity information indicating a limited available number of the specified product; ***transmitting via a transmission channel an offer to the plurality of participants of the mobile radio network***; receiving an order data in the sales module from a participant of the plurality of participants via the mobile radio network in response to the transmitting of the offer, the order data including a request for a product of the specified products and an identification of the participant; generating a token as an unambiguous certificate exchangeable for the product of the specified products being offered for sale; transmitting the token by the sales module to the vendor; and transmitting the token by the sales module to the participant via the mobile radio network.

As explained in Applicant's specification, the method improves upon background method for selling products over a mobile radio network, since the sales module is functioning as a central entity between a plurality of vendors of products and a plurality of participants that may potentially be interested in purchasing the products. (Applicant's Fig. 1, reference numeral 9. ) The sales module allows for the storage of multiple offers from multiple vendors that want to transmit via a transmission channel offers for specified products to participants of a mobile radio network.

Turning now to the applied references, Vehmas describes a system where a service provider 5 delivers an application software to a terminal 3, so that special new services can be executed on the terminal 3. (Vehmas, Abstract, Fig. 1) Vehmas' system includes a switching center MSC 1 of a telecommunication network having service functions that were also brought by the service provider 1. (Vehmas, Abstract. ll. 1-7, Fig. 1.). The program is delivered to the user by loading it in an intelligent card 6 controlling the operation of the

terminal. (Vehmas, col. 5, ll. 23-27.) Card 6 is charged with a program in that the user goes to a company 5 and has the program loaded onto the card 6. (Id.) Vehmas also describes that his user can search through various menus from the loaded program, and then request information from the switching center 1 in order to find a movie the user is interested in, and then the user presses a function key to reserve tickets for the show selected. (Vehmas, col. 5, l.12 to col. 6, l. 4.)

However, Vehmas fails to teach all the features of Applicants' Claim 32, to recite:

***storing multiple offers from multiple vendors in the sales module, the sales module functioning as a distinct central entity from the multiple vendors***, an offer including an identification of a specified product being offered for sale, an identification of a vendor of the specified product, and a quantity information indicating a limited available number of the specified product; ***transmitting via a transmission channel an offer to the plurality of participants of the mobile radio network***

(Claim 32, portions omitted, emphasis added.) First, there is no such sales module functioning as a distinct central entity from the multiple vendors in Vehmas, as required by amended independent Claim 32. In addition, in Vehmas the vendor ***directly sends a message to a user's mobile phone 3*** (Vehmas, col. 7, ll. 1-6), but does not teach storing offers from multiple vendors on a sales module and transmitting the offer to a plurality of participants, as further required by Applicants' Claim 32. To the contrary, Vehmas indicates that the user's phone 3 automatically makes the reservation by ***directly calling the vendor*** or by providing him with a message. (Vehmas, col. 5, l. 59, to col. 6, l. 4.) Accordingly, Vehmas clearly fails to teach all the features of Applicants' Claim 32 related to the steps of storing and transmitting. There is no central entity in Vehmas that teaches Applicant's Claim 32 features.

The applied reference Morrill is directed to a method using a wireless phone to

perform financial transactions or authorize activities, to thereby function as an electronic wallet. (Morrill, Abstract, Fig. 1A-1E.) Morrill explains with reference to Fig. 1E that a number message is sent from the purchaser to the vendor, that includes a summary of the transaction amount and the destination account. (Morrill col. 5, ll. 36-50.) However, nowhere Morrill teaches

***storing multiple offers from multiple vendors in the sales module, the sales module functioning as a distinct central entity from the multiple vendors***, an offer including an identification of a specified product being offered for sale, an identification of a vendor of the specified product, and a quantity information indicating a limited available number of the specified product; ***transmitting via a transmission channel an offer to the plurality of participants of the mobile radio network***

(Claim 32, portions omitted, emphasis added.) In Morrill a phone service provider's CPU to performs a transaction, and after a transaction is performed, a confirmation/authorization number/message is displayed at the user's cell phone, and the user has the ability to request such information be sent to the vendor (Morrill, col. 4, ll. 39-64. col. 5, ll. 13-60.) But nowhere in Morrill the above features related to the steps of storing and transmitting as required by Applicant's Claim 32 are taught.

The reference Sehr, used by the pending Office Action to form the 35 U.S.C. § 103(a) rejection, does not remedy the deficiencies of Vehmas and/or Morrill, even if we assume that such combination is proper. Sehr's system is related to an electronic ticketing system, whereportable ticketing cards are realized by handheld devices, that have the ability to store in the card a computerized ticket template. (Sehr, Abstract, ll. 1-9.) Sehr also describes a seating map 101 that communicates with remote ticket or admission centers in real-time, manages the allocation and availability of seats for a particular event, and allows the visitor to

select the seating arrangements and related admission rights for that particular event. (Sehr, col. 8, l. 30 to col. 9, l. 6.) In other words, Sehr's seating map 101 is merely displaying real-time information regarding availability from remote ticket center. Accordingly, the cited passages of Morrill fail to teach all the features of Applicant's Claim 32, to recite:

***storing multiple offers from multiple vendors in the sales module, the sales module functioning as a distinct central entity from the multiple vendors***, an offer including an identification of a specified product being offered for sale, an identification of a vendor of the specified product, and a quantity information indicating a limited available number of the specified product; ***transmitting via a transmission channel an offer to the plurality of participants of the mobile radio network***

(Claim 32, portions omitted, emphasis added.) Therefore, even if the combination of Vehmas, Morrill and/or Sehr is assumed to be proper, the combination fails to teach every element of Applicants' Claim 32. Specifically, the cited passages of the combination fails to teach the steps storing and transmitting. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.<sup>1</sup>

Independent Claims 39 and 42 recite features analogous to the features recited in independent Claim 32, albeit Claim 42 being directed to a different statutory class. Moreover, Claims 39 and 42 have been amended in a manner analogous to the amendment to Claim 32, in the respective claim language. Accordingly, for the reasons stated above for the patentability of Claim 32, Applicants respectfully submits that the rejections of Claim 39 and 42, and all associated dependent claims, are also believed to be overcome in view of the arguments regarding independent Claim 32.

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<sup>1</sup> See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

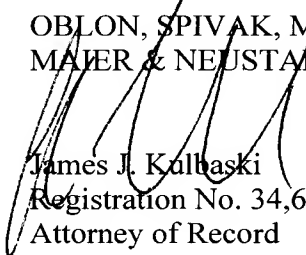
Furthermore, new Claims 45-47 have been added. New Claims 45-47 depend from independent Claims 32, 39, and 42, respectively, and recite features related to the token. These features find non-limiting support in Applicant's disclosure as originally filed, for example at p. 11, ll. 10-14. No new matter has been added.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 21-47, and thereby a rejoinder of withdrawn Claims 21-22, 26-31, 34 and 36-38 is respectfully requested.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully Submitted,

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